G. R. S. IX-5]

Previous references.

Courts 221-16 (1-6)
" 221-16 (7-10)
" 54-17 (1-6)

Later references.

Ch. 120-20 (1-4)
" 71-21 (6-9)
CS-100-(79C (1-11)
" S-36-1-9

Secret.
1917-18
(Courts)

File No. 54-17

Serial Nos. 7 to 12

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7 to 12

Part B for May 1918.

SUBJECT.

Extradition of Peetla Sunka accused of house breaking & theft.

---

13) To the Dist. Magts of Dists
" I. G of Police & the Registrar Chief Ct.
No J4652-61 dt 14-5-1918.

Issuing instructions that no accused person surrendered under a warrant of extradition should be tried on a charge other than that for which his surrender has been granted —.

Md Abdur Rahman
28. 6. 1918

W D 88—GPB—50,000—24-7-18

2142

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 54-17

FILE HEADING.

Extradition of Peetla Sunka accused of house breaking theft.

From

The F.A. Resident in Mysore.

No. 1870 Dated 9-3-18 Received 12-3-18

Diary No. J-2142	Enclos.	Spare Copies.	Serial No. 7

BRIEF ABSTRACT OF LETTER.

Requests that the records of the case in which Peetla Sunka was convicted & sentenced to 6 months rigorous imprisonment may be forwarded for the Hon'ble the Resident's perusal. (Cr' case no 9 of 17-18 on the file of the Sub Divn Magte, Davanagere)

NOTES AND ORDERS.

To answer the point mentioned in para 2 of the Residency letter the records relating to Cr' case no 8-17-18 in which the extradition of Peetla Sunka was secured for the first time seem also to be necessary.

Subd for orders with a draft calling for the records in both the cases.

Sub 14/3/18

15/3

ASC 14/3

Notes—First Sheet.

WD 1232—GPB—20,000—18-11-16

2364 WD 1233—GPB—60,000—1-12-16—S. (2

G. R. S. III-2]

General and Revenue Secretariat. | File No. 54 of 1917.

Serial No.	
8	To The D. M. Chitaldroog no 3483 13th mar. 1918 Calls for the records of the cases in cr. case no 8 of 1917-18 and 9 of 1917-18 on the file of the Subdivision magistrate Davanagere.
9	From the District Magistrate, Chitaldroog. Ref. on Cg. no. 440 of 17-18 of 1-4-18 Forwards the records called for. Submitted with a draft to the Residency. Nsie 5-4-18 Please let me have the books on Extradition in the Library. 8/4 The accused Peela Sinka along with others was suspected to be concerned in a case of robbery, and after a preliminary extradition warrants were applied for through the Residency. They were surrendered, and the Sub Divisional Magistrate, Davangere who tried them found them not guilty and discharged them. But Sinka was tried for another offence of house breaking theft and convicted Sentenced to 6 months rigorous imprisonment. As he was surrendered

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

2364

(3

R. S. III-2]

General and Revenue Secretariat.

CS File No. 54 of 1917.

Serial No.

Native State when he was undergoing imprisonment in Bellary jail, he had to be sent back to British India on the completion of his trial here. On his release from the Bellary jail, the Residency was required to issue a warrant for re-surrender & undergo the sentence of imprisonment passed by the Bavangere Magistrate. It is reported that when the well recognised principle that no one should be tried for an offence for which he was not surrendered was lost sight of. The Residency also without noticing the point issued the warrant, and soon they have noticed the mistake recently. A draft forwarding the records is submitted herewith for approval & their orders.

13/4

Chief Secretary

1st member

CSO 15/4/18

3703 16.4

He requested to be removed from the post of Dewan of Travancore & it is left to him to be allowed to resign. Let the office

16/4

Secy to Govt 16/4

P. S. O.

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

2589

(4

..R. S. III-2]

General and Revenue Secretariat. | File No. 54 of 1917.

Serial No.

10 To The J. A. Resident

No Pol 966 24th April 18

Forwards the records of the case in which one Peetla Sunka was convicted and sentenced to six months rigorous imprisonment by the subdivision magistrate of Dawanagere

11 From The same officer no. 3201 of 4.5.18

Returns the records with the observation that the Hon'ble the Resident observes with satisfaction that the Durbar are issuing suitable orders by which in future the irregularity now brought to light will be avoided.

Draft Subd.

KV 7/5 In favour of perusal and approval of the draft G.O. Misc. Let

EB 8/5

Chief Secretary)

Draft may be approved

1st member)

CBH 8/5 EB 8/5

B V 7/5/18

Approved 8/5 Clerk

Issue CBH 9/5/18 EB 9/5

4037 9/5

Printed orders must be communicated in Kan. Sent 9/5

NOTE—Contn. sheet.)

Copies rec'd 21/6

(5

G. R. S. III-2)

General and Revenue Secretariat. | File No. 54 of 1914.

Serial No.	
12	To The D. M. Chilaw dtd 14th May 1918 No. 4651 Requesting that the mistake may be rectified and to the sub-division made by Davanagere.
13	To The Dt. Masters of Dts. The S. P. of Police The Registrar No. 4652-61 dtd 14th May 1918 Issuing instructions that no accused person surrendered under a warrant of extradition should be tried on a charge other than that for which his surrender has been granted.

R. O. 2.—R. P. B.—2-1918.—500.

No. 1870.

From

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 9th March 1918.

SIR,

I am directed to invite a reference to the correspondence ending with my endorsement No. 8510, dated the 7th November 1917, regarding the surrender of one Peetla Sunka and to request that the records of the case in which he was convicted and sentenced to six months rigorous imprisonment may kindly be forwarded at an early date for the Hon'ble the Resident's perusal.

Criminal Case No. 9 of 1917-18
on the file of the Sub-Division
Magistrate, Davangere.

In this connection I am to refer to letter from the District Magistrate of Chitaldrug, No. C.J. 295/1916-17 dated the 25th August 1917 and to say that the Resident presumes that the conviction was in connection with an offence which was committed prior

prior to the extradition referred to in that letter, and which was not disclosed by the facts embodied in the prima facie case by which that extradition was secured.

I have the honour to be,

Sir,

Your most obedient servant,

H.S. James

First Assistant Resident.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to....J.2142

GENERAL AND REVENUE SECRETARIAT,
(Cant5)
, *the* 191 .

Date of issue..... 13/3/18

Signed by..... M. G. Srinivasa

Section Cant5
File No. 54-17
Serial No. 8

No. J 3783

To

The District Magistrate
Chitaldrug Dt

Sir,

I am directed to invite reference to the correspondence ending with this office no J 1595 C5-54-17-6 dt 10-11-17 regarding the surrender of Peela Sunka and to request that the records of the cases (noted in the margin) (x) in which the accused were convicted and sentenced to six months' rigorous imprisonment may be forwarded at an early date for reference and return.

I have
over.
for Chief Secy

B.

(x) cr case no 8 of 1917-18 and no 9 of 1917-18 on the file of the Sub Divn Magte, Davanagere.

Ref. on C.J. no. 440 of 17-18
Encl. Sent Separately.

(9)

Office of the District Magistrate,
Chitaldrug District.
Dated Chitaldrug, 1st April 1918.

J.3211.

From

M. Zahiruddin Mecci Esquire, B.A.,
District Magistrate,
C h i t a l d r u g.

Court
Sir
O

To

C. S. Balasundaram Iyer Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

S I R,

Referring to your letter No. J.3183/Cts.54-17-8 dated 13th March 1918, I have the honor to intimate the despatch of the records noted in the margin and to request that they may kindly be returned when no longer required.

Criminal records in case Nos 8 and 9 of 17-18 on the file of the Sub-Division Magistrate, Davangere.

I have the honor to be,
Sir,
Your most obedient servant,

M Zahiruddin Mecci

District Magistrate,
Chitaldrug District.

RGT.

13153

1917-18

From The District Magistrate,
Chitaldrug District

Chief

To The Secretary to the Govt of
H.H. the Maharaja of Mysore.
Bangalore.

Dated 1st } April 1918
Despatched 2d }

Received

General No. Ref. on C.J. 1140 of 17-18
No.

Enclosure No. Seal-Separately

Intimating the despatch
of the records in civil cases nos
8 & 9 of 17-18 on the file of
the Sub division Magistrate
Davangere.

GENERAL SECRETARIAT
III
JUDICIAL
4-APR 1918

G. R. S. V1—G/32]

(10)

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

Section Courts
File No. 54-17
Serial No. 10

GENERAL AND REVENUE SECRETARIAT
( )
, the 191 .

No. Pol. 966
Recvd.

Date of issue 24-4-1918

Signed C. L. Balasundaram Iyer

To
The J. A Resident in Mysore

Sir,

Adverting to your letter no. 1870 dated 9th March 18, I am directed to forward herewith (X) the records of the Case in which one Peetla Sunka was convicted & sentenced to six months' rigorous imprisonment by the Sub-Divison Magistrate of Davangere & to state

over.

(X) [Criminal Case No. 9 of 1917-18 on the file of the Sub-Division Magistrate, Davangere — to be obligingly returned when no longer required]

18/4

that the above conviction
was in connection with
an offence which was
committed prior to the
extradition of Peetla Sinka
from the British territory. It is regretted that
this irregularity in bringing
the accused from the offence for which he was not extradited was not noticed at
the time, and orders will be issued that in future such irregularities shall be avoided.

I have etc

[illegible]

for Chief Secy

MRR
16/4

MRR
5/4/08. MR

List of enclosures.

Two Records.

MRR
24.4.08

Copied by

Examined by

W D86—GPB—60,000—15-11-16

GEN. & REP. BR.
14 MAY 1918

(12)

R. O. 2.—R. P. B.—1918.—500.

No. 3201

Pol. 1683 4-5-18

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

19-10
... Court
... 54-17

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

GENERAL SECRETARIAT
III
JUDICIAL
4 MAY 1918

Dated Bangalore, 3rd May 1918.

SIR,

I am directed to return the original records received with your letter No. Pol.966, dated the 24th April 1918, and to state that the Hon'ble the Resident observes with satisfaction that the Durbar are issuing suitable orders by which in future the irregularity now brought to light will be avoided.

I have the honour to be,
Sir,
Your most obedient servant,

P.P.

~~His~~ First Assistant Resident.

4 copies 2 Encls

(13)

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 14 5 18

Signed by M. G. Srinivasa

Section Courts

File No. 52 17

Serial No. 12

No. J 4651 (Records)

To

The District Magistrate

of Chitaldrug

Sir,

In returning herewith the records in criminal cases nos 8 & 9 of 1917-18 on the file of the Sub-Division Magte, Davangere, received with your letter no. Ref. C.J. no. 440 dt. 1st April 1918, I am directed to state that Peetal Sunka whose extradition was applied for in

over.

the former case in which he was acquitted was put up for trial in the latter convicted to 6 months' rigorous imprisonment and to observe that the Magistrate in doing so violated the well recognised principle that no one should be tried for an offence for which he was not surrendered.

2. I am therefore to request that this ~~Serious~~ mistake may be pointed out to the Sub-Div. Magte of Davangere.

I have Etc

~~For~~ Chief Secy

List of enclosures.

Copied by

Examined by

W D86—G P B—60,000—15-11-16

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

(.)

, *the* 191 .

Date of issue..... 24.5.18

Signed by Mr G. Sreenivasa

Section Cons.

File No. 54-17

Serial No. 13

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Read.—

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Order Thereon:—No. J 4652-61.

It was brought to the notice of Govt. that an accused person who was surrendered to the State for trial on the issue of a

over.

warrant of extradition by
the Hon'ble the Resident
was discharged from want
of evidence in respect of
the offence for which he
had been surrendered, but
was tried and convicted
in a separate case for
another offence for which
his surrender had not
been specifically applied for.

2. This procedure, Govt
are constrained to observe,
involves a grave violation
of the well recognized
principle that no accused
person surrendered by a
warrant of extradition to
be tried for a particular
offence should be tried
for another or another
charge for which his
surrender has not been
granted.

3. Govt therefore

List of enclosures.

Copied by

Examined by

(17)

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

S.O.
Print.

Where more offences than one ~~are~~ have been committed by a person whose ~~extradition~~ is sought for steps should be taken to see that all such offences are enquired into during the preliminary proceedings & that extradition is applied for on all such charges.

8/5/18

Yrs
7/5/18

deem it necessary to impress on all the Magistrates in the State the importance of the principle above mentioned with a view to prevent similar violation: In any case

Yrs
Dy Chief Secy.

To

The District Magistrates of Districts

The D.G. of Police

The Registrar Chief Court

S. O.

Warrant of Extradition.

No. J. 4652-61—Cts. 54-17-13, dated 14th May 1918.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Order No. J. 4652-61—Cts. 54-17-13, dated 14th May 1918.

It was brought to the notice of Government that an accused person who was surrendered to the State for trial on the issue of a warrant of extradition by the Hon'ble the Resident was discharged for want of evidence in respect of the offence for which he had been surrendered, but was tried and convicted in a separate case for another offence for which his surrender had not been specifically applied for.

2. This procedure, Government are constrained to observe, involves a grave violation of the well recognised principle that no accused person surrendered under a warrant of extradition to be tried for a particular offence should be tried on another charge for which his surrender has not been granted.

3. Government therefore deem it necessary to impress on all the Magistrates in the State the importance of the principle above mentioned with a view to prevent its future violation. In any case where more offences than one have been committed by a person whose extradition is sought for steps should be taken to see that all such offences are enquired into during the preliminary proceedings and that extradition is applied for on all such charges.

C. S. BALASUNDARAM IYER,
Chief Secretary to Government.

To—The District Magistrates of Districts.
The Inspector-General of Police in Mysore.
The Registrar, Chief Court of Mysore.

Exd.—C. R.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. J. 4652-61—Cts. 54-17-13, dated 14th May 1918.

Warrant of Extradition.

Issuing instructions that no accused person surrendered under a — should be tried on a charge other than that for which his surrender has been granted.

W D A2276—GPB—6-6-18—255